

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants' attorney wishes to thank Examiner Gucker for the opportunity to discuss the merits of the present application during a telephonic interview on April 8, 2004. An Interview Summary was made of record by Examiner Gucker in the paper mailed on April 13, 2004 (please see attached). Applicants request reconsideration of the subject application based on the amendments to the claims and the following remarks.

Claims 1 and 3-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Gizurarson et al. (US 5,942,237). The Examiner states that "Gizurarson teaches methods employing diphtheria toxoid given intranasally to mammals with adjuvants as initial immunizations and booster vaccinations..... Adminsitration to humans is contemplated, along with the optional use of propellant."

As agreed in the telephonic interview of April 8, 2004, claim 1 has been amended to include the phrase "administering to a mammal in need of such treatment" to amend around the Gizurarson reference.

Claims 1, 3-5 and 7-8 were rejected under 35 U.S.C. 102(e) as being anticipated by Jensen (US 2002/0187157 A1). The Examiner states that " Jensen teaches the use of diphtheria toxoid conjugated to amyloid to induce amyloid downregulation to treat Alzheimer's disease, a neuro degenerative disease. Jensen also teaches adjuvants, boosters, and injections or oral administration."

As agreed in the telephonic interview of April 8, 2004, claim 5 has been amended to read as "composition consisting of diphtheria toxoid and a pharmaceutically acceptable carrier" to amend around the Jensen reference.

For each and all of the foregoing reasons and in view of the foregoing remarks, it is believed that Claims 1 and 3-8 are in condition for allowance. Favorable reconsideration and allowance of this application, therefore, is respectfully requested in response to this communication.

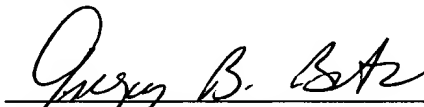
C. Merrill and H. Ghanbari
U.S.S.N. 09/816,289

Applicants believe that additional fees beyond those required for the Petition for Extension of Time are not required to complete the filing requirements for the subject application or otherwise in connection with this submission. However, if a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge/credit Deposit Account No. 04-1105

Respectfully submitted,

Date: May 3, 2004

By:



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